

2009 DRAFTING REQUEST

Bill

Received: 09/16/2009

Received By: emueller

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-1832

By/Representing: Thomas Rylander

This file may be shown to any legislator: NO

Drafter: emueller

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: ARG

Submit via email: YES

Requester's email: Sen.Lehman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring headlights and required lamps to be lit when visibility limited by inclement weather.

Instructions:

See attached. Companion to 09-1721/1.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|----------------------|-----------------------|----------------|-----------------------|----------------------|-----------------|
| /? | emueller 09/23/2009 | bkraft 09/23/2009 | | _____ | | | |
| /1 | | | mduchek 09/23/2009 | _____ | lparisi 09/23/2009 | cdurst 10/26/2009 | |

FE Sent For:

None

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1/2 | emueller | | | | | | |
| 1/1 | EM 9/23/09 | 1 bjk 9/23 | MM 9/23 | | | | |

FE Sent For:

<END>

Mueller, Eric

From: Rostan, Jason
Sent: Wednesday, September 16, 2009 1:01 PM
To: Rylander, Thomas; Mueller, Eric
Subject: RE: Email from LRB Website

Rep. Lothian has given his approval of this request.

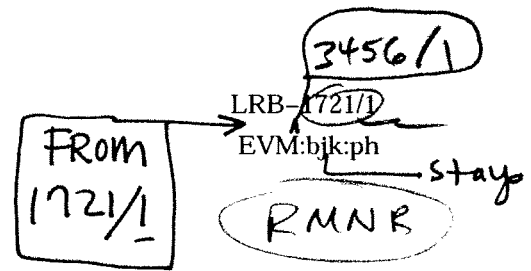
Thank you.

Jason Rostan
Legislative Aide
Rep. Tom Lothian

From: Rylander, Thomas
Sent: Wednesday, September 16, 2009 12:58 PM
To: Mueller, Eric
Cc: Rostan, Jason
Subject: Email from LRB Website

I would like to request a draft of a Senate companion bill to Representative Lothian's Irb-1721/1, which would require drivers to turn on headlights in inclement weather conditions. Thanks!

Tommy Rylander
Office of Senator John Lehman
State Capitol Room 310 South
PO Box 7882
Madison, WI 53707
Toll Free Phone: (866)615-7510
Fax: (608)267-6793



2009 BILL

In 9/23/09

No changes/
Companion Bill

SA

regen.

- 1 AN ACT *to amend* 29.924 (2), 347.06 (1), 347.06 (4), 347.09 (1) (intro.), 347.10 (4),
- 2 347.12 (1) (intro.) and 347.13 (1); and *to create* 340.01 (43d) of the statutes;
- 3 **relating to:** use of lamps on vehicles when visibility is limited by climatic
- 4 conditions and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a motor vehicle upon a highway during hours of darkness unless the vehicle is equipped with headlamps and tail lamps. A person who violates this requirement may be required to pay a forfeiture of not less than \$10 nor more than \$200. Also under current law, no person may operate a vehicle upon a highway during hours of darkness unless any required headlamps, tail lamps, and clearance lamps on the vehicle are lighted. A person who violates this requirement may be required to pay a forfeiture of not less than \$10 and not more than \$20 for a first offense and not less than \$25 nor more than \$50 for a second or subsequent conviction within a year.

This bill provides that no person may operate a motor vehicle upon a highway when climatic conditions limit visibility such that objects on a highway are not clearly discernable at a distance of 500 feet from the front of a vehicle (a period of limited visibility) unless the motor vehicle is equipped with headlamps and tail lamps. This bill also provides that required headlamps, tail lamps, and clearance lamps be lighted during periods of limited visibility. A person who violates these provisions is subject to the same minimum and maximum forfeiture amounts that

BILL

may be imposed for improper lighting equipment or improper use of these lamps during hours of darkness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 29.924 (2) of the statutes is amended to read:

2 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
3 enforcement duties, wardens may operate motor vehicles owned or leased by the
4 department upon a highway, other than an interstate, a state trunk highway or any
5 highway within the limits of any incorporated area, during hours of darkness or
6 during a period of limited visibility without lighted headlamps, tail lamps, or
7 clearance lamps, ~~contrary to s. 347.06~~, if the driving will aid in the accomplishment
8 of a lawful arrest for violation of this chapter or in ascertaining whether a violation
9 of this chapter has been or is about to be committed. Any civil action or proceeding
10 brought against any warden operating a motor vehicle under this subsection is
11 subject to ss. 893.82 and 895.46.

12 **SECTION 2.** 340.01 (43d) of the statutes is created to read:

13 340.01 (43d) "Period of limited visibility" means any time that climatic
14 conditions limit visibility such that objects on a highway are not clearly discernible
15 at 500 feet from the front of a vehicle.

16 **SECTION 3.** 347.06 (1) of the statutes is amended to read:

17 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
18 vehicle upon a highway during hours of darkness or during a period of limited
19 visibility unless all headlamps, tail lamps, and clearance lamps with which ~~such the~~
20 vehicle is required to be equipped are lighted. Parking lamps as ~~defined~~ described
21 in s. 347.27 ~~shall~~ may not be used for this purpose. This subsection does not apply

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1 if lamps that are automatically activated whenever the vehicle is started are in use.
2 if the headlamps are of sufficient intensity to satisfy the requirements for daytime
3 running lamps under 49 CFR 571.108. S5.5.11 (a).

4 **SECTION 4.** 347.06 (4) of the statutes is amended to read:

5 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
6 a vehicle owned or leased by the department of natural resources upon a highway
7 during hours of darkness or during a period of limited visibility without lighted
8 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
9 under s. 29.924 (2).

10 **SECTION 5.** 347.09 (1) (intro.) of the statutes is amended to read:

11 347.09 (1) (intro.) No person shall may operate a motor vehicle on a highway
12 during hours of darkness or during a period of limited visibility, unless such the
13 vehicle is equipped as follows:

14 **SECTION 6.** 347.10 (4) of the statutes is amended to read:

15 347.10 (4) Any motor vehicle may be operated during hours of darkness or
16 during a period of limited visibility when equipped with 2 lighted lamps upon the
17 front thereof of the motor vehicle capable of revealing persons and objects 75 feet
18 ahead in lieu of lamps required by subs. (1) to (3) if such the vehicle at no time is
19 operated at a speed in excess of 20 miles per hour. No lighted lamp under this
20 subsection shall may have any type of decorative covering that restricts the amount
21 of light emitted when the lighted lamp is in use. This subsection does not apply to
22 any type of decorative covering originally equipped on the vehicle at the time of
23 manufacture and sale.

24 **SECTION 7.** 347.12 (1) (intro.) of the statutes is amended to read:

BILL

347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway during hours of darkness or during a period of limited visibility, the operator shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal a person or vehicle at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

SECTION 8. 347.13 (1) of the statutes is amended to read:

347.13 (1) No person shall ~~may~~ operate a motor vehicle, mobile home, or trailer or semitrailer upon a highway during hours of darkness or during a period of limited visibility unless such ~~the~~ motor vehicle, mobile home, or trailer or semitrailer is equipped with at least one tail lamp mounted on the rear which, when lighted during hours of darkness, emits a red light plainly visible from a distance of 500 feet to the rear. No tail lamp shall ~~may~~ have any type of decorative covering that restricts the amount of light emitted when the tail lamp is in use. No vehicle originally equipped at the time of manufacture and sale with 2 tail lamps shall ~~may~~ be operated upon a highway during hours of darkness or during a period of limited visibility unless both ~~such~~ lamps are in good working order. This subsection does not apply to any type of decorative covering originally equipped on the vehicle at the time of manufacture and sale.

(END)

Duerst, Christina

From: Stromme, Denise
Sent: Monday, October 26, 2009 1:08 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3456/1 Topic: Requiring headlights and required lamps to be lit when visibility limited by inclement weather.

Please Jacket LRB 09-3456/1 for the SENATE.